

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRANDON R. JOHNSON,
Plaintiff,
v.
WARDEN, et al.,
Defendants.

Case No. 2:23-cv-0908-DC-JDP (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(ECF Nos. 46, 71, 78, 80)

Plaintiff, a state prisoner proceeding *pro se*, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 14, 2025, the magistrate judge filed findings and recommendations which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. (ECF No. 78.) On June 10, 2025, Plaintiff filed a document titled objections to findings and recommendations. (ECF No. 79.) However, in substance, that filing is a second amended complaint. (*Id.*) On June 24, 2025, the magistrate judge issued findings and recommendations addressing Plaintiff's second amended complaint and recommending that all of Plaintiff's claims be dismissed, without leave to amend, except his Fourth Amendment excessive use of force claim which the magistrate judge found was sufficiently stated. (ECF No. 80.) The findings and recommendations were served on all parties

1 and contained notice that any objections to the findings and recommendations were to be filed
2 within fourteen days. (*Id.*) On August 11, 2025, Plaintiff filed a document entitled “Objections,”
3 however that document does not include any objections. (ECF No. 81.) Rather, Plaintiff requests
4 information on “next steps” in proceeding on his Fourth Amendment excessive use of force
5 claims, and the Clerk of the Court provided a response to Plaintiff’s inquiry on August 14, 2025.

6 The court has reviewed the file and finds the findings and recommendations to be
7 supported by the record and by the magistrate judge’s analysis. Accordingly, IT IS HEREBY
8 ORDERED that:

9 1. The findings and recommendations filed May 14, 2025, (ECF No. 78), are ADOPTED
10 in full;

11 2. Defendants French, Reimche, and Luca’s motion to dismiss, (ECF No. 46), is
12 GRANTED;

13 3. Defendant El Dorado County’s motion to dismiss, (ECF No. 71), is GRANTED;

14 4. The findings and recommendations filed June 24, 2025, (ECF No. 80), are ADOPTED
15 in full;

16 5. Plaintiff’s state law battery and IIED claims against Defendant French, false arrest
17 claims against Defendants French, Luca, and Reimche, and failure to intervene claim against
18 Reimche and Luca are DISMISSED without leave to amend;

19 6. The action proceeds solely on plaintiff’s Fourth Amendment excessive force claim
20 against Defendant French;

21 7. The Clerk of the Court is directed to update the docket to reflect that Defendant French
22 is the sole remaining Defendant in this action; and

23 8. This action is referred to the assigned magistrate judge for all further pretrial matters.

24
25 IT IS SO ORDERED.

26 Dated: August 15, 2025

27 
28 Dena Coggins
United States District Judge